

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TONYA HALL, Administrator,)
Of the Estate of Christopher Hall,)
And VASHTI LOWE, Next Friend)
Of Ca'Zariyah Hall and Germanie)
Lowe,)

Plaintiff,)

v.)

Case No. _____

THE GEORGIA DEPARTMENT)
OF PUBLIC SAFETY, KEVIN)
KIRBY, and JOHN DOE,)

Defendants.)

NOTICE OF REMOVAL

Defendants Georgia Department of Public Safety (DPS) and Kevin Kirby, through undersigned counsel, file this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Defendants appear specially to file this notice subject to and without waiving any defenses available under state and federal law, and in support show the following:

1. On September 14, 2020, Plaintiffs filed a civil action in the Superior Court of Fulton County, Georgia, styled *Tonya Hal, Administrator of the Estate of Christopher Hall, and Vashti Lowe, Next Friend of Ca'Zariyah Hall and Germanie*

Lowe v. The Georgia Department of Public Safety, Kevin Kirby, and John Doe, and having Civil Action No. 2020 CV340418 (the Action). Attached hereto as Exhibit A is a copy of all process, pleadings and orders served on Defendants in the Action. Attached hereto as Exhibit B is a copy of all pleadings filed by Defendants in the Action.

2. The Action seeks money damages for alleged violations of rights under the Fourth and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983. Plaintiffs bring this action as alleged successors to the rights of Christopher Hall, and allege that Defendants used unreasonable and excessive force in seizing him, and violated Mr. Hall's due process rights in connection with a pursuit and attempted seizure of Mr. Hall, in violation of the Fourth and Fourteenth Amendments. The Action also includes a state law tort claim of negligence against both of the named defendants.

3. The Action is a civil rights case and presents a federal question over which this court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331, and questions of state law over which this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

4. The Action is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

5. Defendants DPS and Kirby are the only defendants, and thus all defendants consent to and join in this removal. Defendant DPS was served with a copy of the summons and complaint on September 16, 2020, and Defendant Kirby was served on September 22, 2020.

6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty days from receipt by the last served defendant of a copy of the complaint.

WHEREFORE, Defendants move that this Notice of Removal be filed, that the Action be removed to and proceed in this Court, and that no further proceedings be had in the Action in the Superior Court of Fulton County, Georgia.

Respectfully submitted,

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/s/ Brian E. Goldberg

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PLEASE ADDRESS ALL
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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing pleading with the Clerk of Court using the Court's electronic filing system which will automatically send email notification of such filing to the following attorneys of record:

Peter D. Copeland

I hereby certify that the foregoing has been filed with the Clerk of Court using the CM/ECF system by remote process at a time when the Georgia Department of Law has put into place a telework policy as part of ongoing health and safety measures related to the COVID-19 virus. The document will be served on the following recipients by causing a copy thereof to be deposited in the United States Mail on **Friday, October 16, 2020**, postage prepaid, addressed as follows:

Peter D. Copeland
Peter D. Copeland, P.C.
P.O. Box 448
989 Montreal Road
Clarkston, Georgia 30021

This 16 day of October 2020.

s/ Brian E. Goldberg
Brian E. Goldberg